

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

WANDO MYRON STACY II,

Petitioner,

v.

3:06-mc-52

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM AND ORDER**

Petitioner is a state inmate who is being held in federal custody, apparently under subpoena as a witness before a federal grand jury. He has filed a pleading titled "Motion to show cause why I am held in Federal Custody." The court will treat the motion as a petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2241. The filing fee for a habeas corpus petition is \$5.00.

The petitioner has not paid the required \$5.00 filing fee nor has he submitted an application to proceed *in forma pauperis*. The Clerk is **DIRECTED** to send petitioner an application to proceed *in forma pauperis*. The Clerk is further **DIRECTED** to hold the petition for thirty (30) days pending receipt of the \$5.00 filing fee or an application to

proceed *in forma pauperis*. Petitioner is advised that failure to pay the filing fee, or submit a completed application to proceed *in forma pauperis*, within the time allowed will result in the automatic dismissal of this action without further notice by the Clerk of Court.

**E N T E R:**

s/ Thomas W. Phillips  
United States District Judge